



12 APR 2007

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In re Application of	:	
AHEARN, et al.	:	
U.S. Application No.: 10/552,177	:	DECISION ON PETITION
PCT No.: PCT/US04/11982	:	
Int. Filing Date: 16 April 2004	:	UNDER 37 CFR 1.497(d)
Priority Date: 16 April 2003	:	
Attorney Docket No.: 021182-000410US	:	
For: IDENTIFICATION AND MONITORING OF	:	
SYSTEMATIC LUPUS ERYTHEMATOSUS	:	

This decision is in response to applicant's "Request to Correct Inventorship Under 37 C.F.R. § 1.48(a)" filed 20 November 2006 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.497(d).

### **BACKGROUND**

On 16 April 2004, applicant filed international application PCT/US04/11982, which claimed a priority date of 16 April 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 16 October 2005.

On 05 October 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee.

On 25 May 2006, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 22 August 2006, applicant filed a declaration executed by Joseph Ahearn and Susan Manzi accompanied by a petition for one-month extension of time.

On 20 November 2006, applicant filed the present petition under 37 CFR 1.48(a) to add Jeannine Navratil as an inventor in the application.

### **DISCUSSION**

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

### **CONCLUSION**

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

The application has an international filing date of 16 April 2004 under 35 U.S.C. 363, and will be given a date of **20 November 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).



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